

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

ASHLEIGH WHEELER,

Plaintiff,

Case # 16-CV-6825-FPG

v.

ORDER TO SHOW CAUSE

WEGMANS FOOD MARKETS, INC.,

Defendant.

---

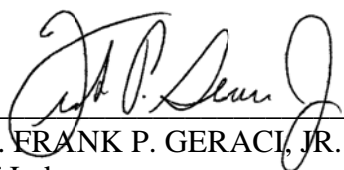
This action was commenced on December 17, 2016, when Plaintiff Ashleigh Wheeler, represented by counsel, filed a Complaint against Defendant Wegmans Food Markets, Inc., and paid the required filing fee to the Clerk of Court. ECF No. 1. The Clerk of Court issued a Summons for the Defendant on December 19, 2016, however, there is no indication on the docket that Plaintiff has caused that Summons and the Complaint to be served on Defendant.

Federal Rule of Civil Procedure 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”

As the 90 days to effect service has elapsed, Plaintiff is hereby Ordered to Show Cause, in writing and before May 26, 2017, why this case should not be dismissed under Fed. R. Civ. P. 4(m) for failure to effect service within 90 days. Failure to comply with this Order will result in the dismissal of this action.

IT IS SO ORDERED.

DATED: Rochester, New York  
May 9, 2017

  
\_\_\_\_\_  
HON. FRANK P. GERACI, JR.  
Chief Judge  
United States District Court